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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

S. SEANAH DIXON,

Plaintiff,

v.

STACY BARRETT, *et al.*,

Defendants.

Case No. 2:22-cv-01412-APG-DJA

**MOTION FOR EXTENSION OF TIME
TO FILE SUPPLEMENTAL BRIEF
(First Request)**

Defendants, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Lorin M. Taylor, Deputy Attorney General, hereby move for an extension of time to file their supplemental brief in opposition to Plaintiff's Motion for Preliminary Injunction. This Motion is made and based upon Federal Rule of Civil Procedure 6(b)(1)(A) and LR 26-3.

MEMORANDUM OF POINTS AND AUTHORITIES

Seanah Dixon filed a motion for a temporary restraining order on Justin McRoberts on May 16, 2023 [ECF No. 52] and an emergency motion for a temporary restraining order and preliminary injunction on June 23, 2023 [ECF No. 70]. This Court ordered supplemental briefing on the TRO and PI, to be filed on June 30, 2023 [ECF No. 74].

Defense counsel respectfully requests an extension of time to file the brief from the current deadline of June 30, 2023, until July 3, 2023. Defense counsel has been involved in two Federal trials scheduled the week of June 26, 2023, *Richards v. Cox et al.*, USDC 2:16-cv-01794-JCM-NJK and *Howard v. Cox et al.*, USDC 2:17-cv-01002-JAD-BNW. Due to the complexity of these two trials happening at the same time, the entirety of the OAG's Public Safety Division have been working tirelessly in preparation for both trials. Defense Counsel anticipated being able to complete the brief and file it on time, but unfortunately High Desert State Prison's network went down on the morning of June 30, 2023 and the Medical Department has not been able to get Counsel the medical records needed to finalize the briefing.

The technical difficulty was out of the control of Counsel and the Institution. A representative of the HDSP medical department is driving copies of the medical records from Indian Springs to the OAG, but she will not make it here before close of business. Counsel will finalize the brief on Saturday, July 1, 2023. Federal Rule of Civil Procedure 6(b)(1) allows extensions of time and provides as follows:

This Court should find good cause supports this request. When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Based on the unexpected inability to get ahold of the medical records, Defendants respectfully request this Court to allow counsel to file the brief on Monday, July 3, 2023.

DATED this 30th day of June, 2023.

AARON D. FORD
Attorney General

By: /s/ Lorin M. Taylor
LORIN M. TAYLOR (Bar No. 14958)
Deputy Attorney General

IT IS SO ORDERED:

Attorneys for Defendants

Dated: July 5, 2023